



COUNTY OF MILWAUKEE  
INTEROFFICE COMMUNICATION

FILE NO. 21-947

Department of Administrative Services

**DATE:** September 27, 2021

**TO:** Marcelia Nicholson, Chairperson, County Board of Supervisors

**FROM:** Aaron Hertzberg, Director, Department of Administrative Services

**SUBJECT:** From the Director, D.A.S. Facilities Management Division, requesting authorization to pay Gilbane Building Company \$77,736.00 for pre-construction professional management services under a retroactive professional services contract and requesting to waive MCCGO 56.30 (8) and (9) to pay for professional services rendered before a contract was signed.

**FILE TYPE:** Action Report

### **Policy Issue**

Section 56.30(9) of the Milwaukee County Code of General Ordinances (the Code) requires that a written contract be signed and executed before an outside party performs professional services in an amount greater than \$2,000, while Section 56.30(8) of the Code states that the Comptroller shall deny payment for professional services if the conditions of Chapter 56 have not been met

### **Background**

In April 2018, Wisconsin enacted WI Act 185 requiring the closure of the juvenile correction facilities at Lincoln Hills/Copper Lake by January 2021. The Act allowed Counties to create SRCCCY's for female and youth. The Act created a grant funding program. Grant applications were due by March 31, 2019. Grant application required a project program, design and estimate. A Design professional and a Pre-construction manager were needed to address the grant requirements.

### **Discussion**

The contract for Pre-construction professional management services with Gilbane Building Company is currently being routed for approval and signature. The terms of the contract includes project scheduling, cost estimating, and constructability advice during the project planning and design phases. It was critical to have project

scheduling, cost estimating and advice on constructability provided prior to the March, 2019 grant deadline and to confirm the County's SRCCCY could be constructed by January, 2021 within budget.

To address the SRCCCY's aggressive grant and construction deadlines, the County and Gilbane Building Company intended to negotiate and enter into a construction delivery method known as Construction Manager at Risk (CMAR). Negotiations and editing of the typical CMAR contract were necessary to assure compliance with County ordinances.

CMAR contract terms typically include contractor involvement throughout both design and construction phases to maintain schedule, maintain budget and advise on constructability. The County SRCCCY project has not entered construction, and in fact was deferred and closed down before the CMAR contract could be finalized.

### **Recommendation**

The Department of Administrative Services recommends that the County Board waive Sections 56.30 (8) and (9) of the Milwaukee County Code of General Ordinances and authorize the Comptroller to pay Gilbane Building Company the amount of \$77,736.00 for professional services under a Consultant Agreement.

### **Committee Action**

This report should be referred to and reviewed by the Committee on Finance for action.



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Aaron Hertzberg

Director, Department of Administrative Services